

ADOPTED: 7/26/94

MEMORANDUM

JULY 26, 1994

TO: BOSTON REDEVELOPMENT AUTHORITY AND
MARISA LAGO, DIRECTOR

FROM: THOMAS O'MALLEY, ASSISTANT DIRECTOR FOR
NEIGHBORHOOD HOUSING AND DEVELOPMENT
ANTONIO TORRES, DEPUTY DIRECTOR

SUBJECT: LOWELL SQUARE: EXTENSION AND REVISION OF FINAL DESIGNATION
AND APPROVAL TO PETITION THE ZONING COMMISSION FOR AN URBAN
RENEWAL "U" OVERLAY DISTRICT FOR THIS SITE

EXECUTIVE

SUMMARY: This memorandum requests that the Final Designation of Lowell Square Associates as redeveloper be revised and extended for a period of 360 days in order to continue with the proposed housing plan of Lowell Square Associates, the redeveloper of Area "E" of Parcel 2-1E/1F in the West End Land Assembly and Redevelopment Project Area; the final revised designation shall be automatically rescinded without need for any further authorization or approvals by the BRA if the above conditions are not met within the specified time. Also, it requests authorization to petition the Zoning Commission to designate the site as an Urban Renewal "U" Overlay District. The developer proposes to develop 187 units of mixed income housing, at least half of which will be affordable to low and moderate income households.

SITE DESCRIPTION

Area "E" of Parcel 2-1E/1F of the West End Land Assembly and Urban Renewal Project Area, known as Lowell Square, is an approximately 69,400 square foot vacant parcel owned by the Boston Redevelopment Authority (BRA). It is located at the intersection of Causeway Street, Staniford Street, and Lomasney Way. A site location map is attached as Exhibit A. The Lowell Square parcel is the only undeveloped parcel remaining in the West End Urban Renewal Area.

DEVELOPER SELECTION

In 1985, Charles River Park, Inc. (CRP) challenged the BRA's right to redevelop Lowell Square. While this suit proceeded, the BRA advertised a Request for Proposals (RFP) in May 1986 for the redevelopment of Lowell Square with a disclaimer noting the pending legal action. Five development proposals were submitted to the BRA on October 16, 1986. A trial court judge decided the 1985 legal challenge on CRP in 1989 against the BRA. The BRA appealed the trial court's decision, and in 1990, the Appeals Court reversed the lower court's opinion, and entered a judgment for the BRA.

On March 14, 1991 the BRA granted tentative designation to the development team of the Planning Office for Urban Affairs, Inc. and Keen Development Corporation in conjunction with the Old West End Community Development Corporation. This action allowed the developer to proceed towards the construction of 270 limited equity units, of which at least 50 percent of the units were affordable to low and moderate income residents, a 400 space parking garage, office

space and ground floor retail space, a child care center and play space, and the West End Archives. Also, one of the public benefits of this proposal was the relocation of some eligible former West Enders back to the West End.

To proceed with this project, the developer has created a legal entity called Lowell Square Associates, comprised of the entities in the tentative designation (Planning Office of Urban Affairs, Inc. and Keen Development Corporation in conjunction with the Old West End Community Development Corporation), which will hold title to the project. Last year, on June 10, 1993, Lowell Square Associates were granted final designation as the redeveloper of Area "E" of Parcel 2-1E/1F in the West End Land Assembly and Redevelopment Project Area. On June 2, 1994 the BRA extended the final designation to allow the developer time to prepare for an update presentation for the Director and the BRA Board of Directors.

DEVELOPMENT PROCESS

Since the tentative designation the developer has revised the original development concept to meet community concerns for lower density and open space which have arisen from several meetings, in particular the general community meeting of June 18, 1992 held at Shriner's Burns Institute.

The developer initiated the Boston Zoning Code (BZC) Article 31 - Development Review Requirements process for this project. The environmental review of this project will be consistent with the Certificate of the Secretary of Environmental Affairs pursuant to the Massachusetts' Environmental Protection Act (MEPA) guidelines.

The developer filed an Environmental Notification Form with MEPA in June 1992. A notice about the proposed Lowell Square project was put in the Environmental Monitor on July 23, 1992. MEPA held a consultation with interested parties on August 17, 1992. MEPA issued its findings on August 24, 1992; said findings recognized the extensive scope of the Article 31 Development Review Requirements and required no Environmental Impact Report (EIR) as well as no further review under MEPA for the Lowell Square project.

The developer submitted a Draft Project Impact Report (DPIR) in March 1993. The BRA's findings requested supplemental information to the DPIR because it was incomplete. This past year the developer has completed several environmental studies required as part of the BRA Scoping Determination for this project, wind impact analysis, soil boring, and 21E testing for this site are examples of these studies.

The developer submitted its Supplemental Draft Project Impact Report (DPIR) to the BRA at the end of April 1994. A request for public comments was advertised on May 9, 1994 and the public had 30 days to respond. Concurrently, the BRA, other public agencies, and the general public have reviewed the developer's Supplemental DPIR. The BRA issued a preliminary adequacy determination on the Lowell Square Supplemental DPIR on June 24, 1994. A Final Project Impact Report (FPIR) should be submitted by September 1994. The BRA staff recommends petitioning the Zoning Commission for an Urban Renewal "U" Overlay District designation for the development of this site.

PROPOSED PROJECT

The Supplemental DPIR proposes 187 cooperative units, an 89 space parking garage, 8,250 square feet of retail space, including the 2,500 square foot West End Visitors Center (which will house the archives) and 750 square feet of office space for the Westender. At least half of the units will be affordable to low- and moderate-income households.

The project described in the Supplemental DPIR is substantially smaller than the original development concept proposed in 1986. For example, the building height was downsized from a twenty (20) story stepped tower to a curvilinear building with a seven (7) story wing and a ten (10) story wing; the massing was reduced by 45% (from 447,500 gross square feet to 245,927 gross square feet); the number of units was lowered by 31% (from 270 units to 187 units); and the parking garage was decreased by 78% (from 400 to 89 parking spaces).

Lowell Square Associates has made substantial progress in its predevelopment activities. The developer has met with the abutters at Charles River Park and Hawthorne Place and have incorporated many of their concerns. The developer has met with the City's Landmarks Commission with regard to the historical significance of the Bulfinch Triangle and the proposed project. In addition, last summer (1993) the developer met with the Boston Civic Design Commission and secured its approval for the proposed concept.

DEVELOPMENT FINANCING

This is a \$27.4 million mixed use residential complex of 246,000 square feet. The public subsidies to be used in this development have been reviewed. The developer is pursuing two routes to finance this project.

The first financing scenario is driven by grants, including the state commitment of the \$4 million Lowell Square Fund, the City commitment for \$2 million in HOME and \$600,000 capital improvements, and the \$340,000 award from the Neighborhood Housing Trust (NHT). They have also requested an additional \$1.5 million from the NHT. Moreover, a \$2.5 million federal grant has been approved by the U.S. Senate for this project and is under consideration by the U.S. House of Representatives.

The second financing scenario uses the low income housing tax credit program. The developer applied for \$1.4 million in tax credits which could yield approximately \$7 million in tax equity financing. The developer would also use the state's \$4 million Lowell Square Fund, the \$340,000 NHT award, and \$600,000 in capital improvements. Also, the developer assumes using the requested \$1.5 million from the NHT and the \$2.5 million federal grant, if approved. This financing vehicle would be feasible with less city resources.

Both financial scenarios would be driven by the commitment of 54 units for households who qualify under the U.S. Department of Housing and Urban Development (HUD) Section 8 program and the permanent financing from the AFL-CIO Housing Trust, in conjunction with the Federal National Mortgage Association (FNMA). Construction financing has been committed by the Bank of Boston. It is anticipated that the financing vehicle provided by the low income housing tax credits will be the preferred alternative to finance the construction of this project.

The disposal of the Lowell Square site, a 69,400 square foot parcel of land, will be based on its fair reuse value as established by an appraisal. The appraisal conducted for the Bank of Boston and FNMA states the "as is" land value at \$10,000 per housing unit or \$1.87 million. Land disposition value in excess of \$1 million shall be in the form of subordinated notes payable to the BRA. The first \$1 million will be due in the form of cash, or secured notes to be funded from net syndication proceeds, or under terms further described in the Amended and Restated LDA.

RECOMMENDATION

It is therefore recommended that Lowell Square Associates be granted an extension of time for an additional 360 days for the Final Revised Designation for Area "E" of Parcel 2-1E/1F. Lowell Square Associates as redeveloper shall complete the development and environmental reviews, secure all necessary equity requirements and firm financing commitments, final working drawings and specifications, development and rental schedules, and closing no later than 360 days from the date of the final revised designation resolution. This final revised designation shall be automatically rescinded without need for any further authorization or approvals by the BRA if the above conditions are not met within the specified time.

In order to implement these controls, it is appropriate that the Director be authorized to petition the Zoning Commission for an Urban Renewal Area Overlay District "U" for Area "E" of Parcel 2-1E/1F in the West End Land Assembly and Redevelopment Project Area. The proposed zoning amendment will allow the construction of the Lowell Square project on this site and shall be considered the permanent zoning for said land.

An appropriate vote follows:

VOTED: That the Boston Redevelopment Authority hereby adopts the Resolution dated July 26, 1994, entitled "RE: Final Revised Designation of Redeveloper of Area "E" of Parcel 2-1E/1F in the West End Land Assembly and Redevelopment Project Area (Lowell Square) (the "Revised Resolution")" and confirms that such Revised Resolution supercedes and replaces in its entirety the prior Final Designation Resolutions adopted by vote on June 10, 1993 and June 2, 1994.

FURTHER

VOTED: That the Boston Redevelopment Authority authorizes the Director to petition the Zoning Commission to designate the area shown on the attached plan as an Urban Renewal "U" Overlay District.

RESOLUTION OF THE BOSTON REDEVELOPMENT AUTHORITY

July 26, 1994

RE: FINAL REVISED DESIGNATION OF REDEVELOPER OF AREA "E" OF PARCEL 2-1E/1F IN THE WEST END LAND ASSEMBLY AND REDEVELOPMENT PROJECT AREA (LOWELL SQUARE) (THE "REVISED RESOLUTION")

WHEREAS, the Boston Redevelopment Authority, (hereinafter referred to as the "Authority"), has entered into a contract for loan and capital grant with the Federal Government under Title 1 of the Housing Act of 1949, as amended, which contract provides for financial assistance in the hereinafter identified Project; and

WHEREAS, the Urban Renewal Plan for the West End Land Assembly Area, (hereinafter referred to as the "Project Area") has been duly reviewed and approved in full compliance with local, State and Federal law; and

WHEREAS, the Authority is cognizant of the conditions that are imposed in the undertaking and carrying out of urban renewal projects with the Federal financial assistance under said Title 1, including those prohibiting discrimination because of race, color, sex, religion, or national origin; and

WHEREAS, Lowell Square Associates, a development team comprised of The Planning Office of Urban Affairs of the Archdiocese of Boston and Keen Development Corporation in conjunction with the Old West End Community Development Corporation, has expressed an interest in and has submitted a proposal for Area "E" of Parcel 2-1E/1F in the West End Land Assembly area; and

WHEREAS, the Authority is cognizant of Chapter 30, Sections 61 through 62H of the Massachusetts General Laws, as amended, with respect to minimizing and preventing damage to the environment:

NOW THEREFORE, BE IT RESOLVED BY THE BOSTON REDEVELOPMENT AUTHORITY;

1. That Lowell Square Associates, and hereby is finally designated as Redeveloper of Area "E" of Parcel 2-1E/1F in the West End Land Assembly Area subject to:
 - a. Publication of all public disclosure and issuance of approvals required by the Massachusetts General Laws and Title I of the Housing Acts of 1949, as amended; and
 - b. Execution of a partnership or participation agreement with the Old West End Community Development Corporation; and the provision of two years of technical assistance to the Old West End Community Development Corporation; and
 - c. A financing plan satisfactory to the Authority; and
 - d. An Affirmative Fair Housing and Marketing Plan satisfactory to the Boston Fair Housing Commission; and
 - e. A Transportation Access Plan satisfactory to the Boston Transportation Department.
2. That the Land Disposition Agreement (LDA) and Deed conveying Area "E" of Parcel 2-1E//1F will be subject to submission in a form acceptable to the Authority within 360 days of this Final Designation the following materials:

- a. Evidence of the availability of necessary equity funds, as needed; and
 - b. Evidence of firm financial commitments from banks or other lending institutions; and
 - c. Final Working Drawings and Specifications; and
 - d. Proposed development and rental schedule; and
 - e. That the proposed development will not result in significant damage to the environment and further, that all practicable feasible means and measures have been taken to avoid or minimize damage to the environment; and
 - f. That an amended and restated LDA, as stated in Section 7 below, has been fully executed by all parties.
3. That the property will be developed in a timely manner and to protect the interests and goals of the BRA, Lowell Square Associates as redeveloper shall complete the development and environmental reviews, secure all necessary equity requirements and firm financing commitments, final working drawings and specifications, and development and rental schedules no later than 360 days from the date of the final designation resolution. The BRA will automatically rescind this final designation without any further authorization or approvals if the above conditions are not met within the specified time.
 4. That it is hereby determined that Lowell Square Associates possesses the qualifications to develop land in accordance with the Urban Renewal Plan and the Project Area.
 5. The disposal of the Lowell Square site, a 69,400 square foot parcel of land, will be based on its fair reuse value as established by an appraisal. The appraisal conducted for the Bank of Boston and FNMA states the "as is" land value at \$10,000 per housing unit or \$1.87 million. Land disposition value in excess of \$1 million shall be in the form of subordinated notes payable to the BRA. The first \$1 million will be due in the form of cash, or secured notes to be funded from net syndication proceeds, or under terms further described in the Amended and Restated LDA.
 6. That the Final plans submitted by Lowell Square Associates must conform in all respects to the Urban Renewal Plan for the Project Area, as may be modified from time to time, and that said Final Plans be approved by the BRA.
 7. That the Director is hereby authorized, for and in behalf of the Authority, to execute and deliver: (a) a Land Disposition Agreement ("LDA"), which incorporates as pre-conditions those terms set forth in Sections 1, 2 and 3 of this Revised resolution; (b) an Amended and Restated LDA, upon the satisfaction of the terms of the LDA, which contains such terms and conditions that the Director deems in the Authority's interest, among other terms and conditions to be incorporated in the LDA, the final resident selection plan shall be defined, which plan shall among other things identify the process for selection of low, moderate, and market rate households to be cooperatively owned as well as the priorities for selection of households previously displaced by urban renewal, households with physical and mental disabilities, and other special considerations, including outlines in attached letter dated July 26, 1994 from Lowell Square Associates. Such resident selection plan shall be approved by the Boston Fair Housing Commission. (c) a Deed conveying Area "E" of Parcel 2-1E/1F in the West End Land Assembly and Redevelopment Area, ("Disposition Parcel") to Lowell Square Associates or an affiliated entity, said documents to be in the Authority's usual form. The term "affiliated entity" shall mean a corporation, partnership, trust or other entity controlled by or under the control of Lowell Square

Associates, as so determined by the Authority's Director. If Lowell Square Associates elects to take title to the Disposition Parcel by and through an affiliated entity, the LDA shall contain a statement evidencing that such entity is an "affiliated entity" in accordance with the aforementioned definition.

8. That the Secretary is hereby authorized and directed to publish notice of the proposed disposal transaction in accordance with Section 105(E) of the Housing Act of 1949, as amended, including information with respect to the "Redeveloper's Statement for Public Disclosure; (Federal Form H-6004).

The Boston Redevelopment Authority, acting under Section 31A of the current Zoning Code, hereby orders to amend "Map A Design Project" in the series of maps entitled "Zoning Districts City of Boston" as established under Chapter 213A of the Acts of 1953 as follows:

By adding the designation "J" indicating an Urban Renewal Area Overlay District to the existing M-3 designation of the land abitled "Jill" on the plan attached as Exhibit A hereto. The site is located at Lowell Square, at the intersection of Gateway Street, Lombardy Way, and Starbuck Street, in Area "E" of Parcel C 1215 in the West End Land Assembly and Redevelopment Project Area. It is more particularly described in the local description attached as Exhibit B hereto. Such land is subject to a Land Disposition Agreement, and said land amendment shall be considered the pertinent zoning for said land.

Partner of:	<u>Boston Redevelopment Authority</u>
By:	<u>James L. G. Swartz</u>
Address:	<u>City Hall - 5th Floor</u>
	<u>Boston, MA 02201-1007</u>
Tel No.:	<u>617-4908, ext. 4357</u>
Date:	<u>as authorized by CRA Board on</u>

Map Amendment Application No.
Boston Redevelopment Authority
Lowell Square (West End Land Assembly
and Redevelopment Project Area)
"U" designation

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority, acting under Section 3-1A of the Boston Zoning Code, hereby petitions to amend "Map 1 Boston Proper" of the series of maps entitled "Zoning Districts City of Boston" as established under Chapter 665 of the Acts of 1956 as follows:

By adding the designation "U", indicating an Urban Renewal Area overlay district, to the existing H-3 designation of the land labeled "site" on the plan attached as Exhibit A hereto. The site is located at Lowell Square, at the intersection of Causeway Street, Lomasney Way, and Staniford Street, in Area "E" of Parcel 2-1E/1F in the West End Land Assembly and Redevelopment Project Area, and is more particularly described in the legal description attached as Exhibit B hereto. Such land is subject to a Land Disposition Agreement, and said such amendment shall be considered the permanent zoning for said Land.

Petitioner: Boston Redevelopment Authority

By: Marisa Lago, Director

Address: City Hall / 9th Floor
Boston, MA 02201-1007

Tel No.: 722-4300, ext. 4357

Date: _____
as authorized by BRA Board on

EXHIBIT "A"



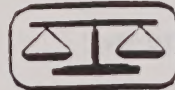
Not to scale.

Locations approximate

Plan taken from Boston Bulfinch Triangle Zoning District, Map 1J

SITE PLAN Lowell Square, Boston, Massachusetts

BRIGGS ASSOCIATES, INC.
400 HINGHAM STREET
ROCKLAND, MASSACHUSETTS



DR. BY: CES
CKD BY: JAC

SCALE: NTS
DATE: August 6, 1992

PROJ. NO. 20682
FIG NO. 2

FACT SHEET
LOWELL SQUARE

PROPOSED PROJECT: Lowell Square Housing Development Project: West End Land Assembly And Redevelopment Project Area. (Area "E" of Parcel 2-1E/1F)

PROJECT LOCATION: Intersection Causeway and Stanford Streets, Lomasney Way

DEVELOPER: Lowell Square Associates, a joint venture of the Planning Office for Urban Affairs, Inc. and Keen Development Corporation in conjunction with the Old West End Housing Development Corporation

ARCHITECT: The Architectural Team

BUILDER: Jackson Construction

ATTORNEYS: Gouiston & Storrs
Krokidas & Bluestein

LOWELL SQUARE HOUSING DEVELOPMENT SUMMARY

Total Lot Area:	69,462 s.f.
Building Height	106 feet
Gross Floor Area:	245,927 s.f.
-Residential	136,707 s.f.
-Retail and West End Archives	9,220 s.f.
Central Courtyard:	17,000 s.f.
Floor Area Ratio:	3.5 FAR
Total Development Cost:	\$27,357,670
Dwellings Per Acre:	116
Parking Spaces:	39
Unit Mix:	2 studio, 54 one-Br, 117 two-Br, 14 three- Br

Map Amendment Application No.
Boston Redevelopment Authority
Lowell Square (West End Land Assembly
and Redevelopment Project Area)
"U" designation

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority, acting under Section 3-1A of the Boston Zoning Code, hereby petitions to amend "Map 1 Boston Proper" of the series of maps entitled "Zoning Districts City of Boston" as established under Chapter 665 of the Acts of 1956 as follows:

By adding the designation "U**", indicating an Urban Renewal Area overlay district, to the existing H-3 designation of the land labeled "site" on the plan attached as Exhibit A hereto. The site is located at Lowell Square, at the intersection of Causeway Street, Lomasney Way, and Staniford Street, in Area "E" of Parcel 2-1E/1F in the West End Land Assembly and Redevelopment Project Area, and is more particularly described in the legal description attached as Exhibit B hereto. Such land is subject to a Land Disposition Agreement, and said such amendment shall be considered the permanent zoning for said Land.

- * Inconsistent provisions of the Boston Zoning Code notwithstanding, the applicable use and dimensional controls shall be the use and dimensional controls of the West End Urban Renewal Plan, as amended, and the Land Disposition Agreement relating thereto.

Petitioner: Boston Redevelopment Authority

By: Marisa Lago, Director

Address: City Hall / 9th Floor
Boston, MA 02201-1007

Tel No.: 722-4300, ext. 4357

Date: as authorized by BRA Board on

